S.B. CIVIL WRIT PETTION NO.7012/2003
Devdut
vs
State of Rajasthan

DATE OF ORDER : 14.12.2006

HON'BLE JUSTICE SHRI MOHAMMAD RAFIQ

Shri R.S. Saluja, for the petitioner.
Shri Rameshwar Dave, Dy. Government Advocate.

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Learned Dy. Government Advocate invited the attention of the Court towards the judgment passed by the coordinate bench of this court in S.B. Civil Writ Petition No.7013/2003-Rajendra Kumar Vs. State of Rajasthan, decided on 11.9.2003 and has submitted that this judgment is covered by the view taken in that case.

According to him, the evidence that has come on record before the learned labour court clearly proved that this was not a case of retrenchment but abandonment of the service by the workman, which fact is fortified from the statement of

workman. In cross-examination, the workman has stated that he was not removed by the management and further that he attended the duties upto July, 2000 and thereafter stopped attending the duties.

In the similar circumstances, this Court in the aforesaid case also dismissed the writ petition in view of the statement made by the workman on the same line.

Having considered the arguments of learned Dy. Government Advocate and perusal of the aforesaid judgment and award, I find that the award does not suffer from any error apparent on the face of record so as to warrant any interference by this Court.

The writ petition being devoid of merit is accordingly dismissed with no order as to costs.

(MOHAMMAD RAFIQ), J.

cpgoyal/-